

CITY COUNCIL ATLANTA, GEORGIA

A RESOLUTION BY

04- *L*-1799

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED **PENALTIES IMPOSED** \mathbf{BY} THE **ENVIRONMENTAL** PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF TWO THOUSAND DOLLARS AND 00/100 (\$2,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE TANYARD CSO FACILITY ON SEPTEMBER 27, 2004 PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City has experienced a violation of Fecal Coliform Operational Standards as set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT Paragraphs XI.D.1; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation of CSO Fecal Coliform Operational Standards did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01 529017 Q31001; and

WHEREAS, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

OW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue checks in the amounts of One Thousand Dollars and 00/100 (\$1,000.00) payable to the State of Georgia and One Thousand Dollars and 00/100 (\$1,000.00) payable to the Treasurer, United States of America as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the said payments be chargeable to Account Number 2J01 529017 Q31001.

A true copy,

Thomas Daughin Johnson Municipal Clerk, CMC

ADOPTED by the Council **APPROVED** by the Mayor October 18, 2004 October 19, 2004

Atlanta City Council

Regular Session

CONSENT I PGS 6-18, EXCEPT:04-0-1369 04-R-1764 04-R-1765 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

NV	Smith	Y	Archibong	Y	Moore	Y	Mitchell
Y	Starnes	Y	Fauver	Y	Martin	Y	Norwood
Y	Young	Y	Shook	В	Maddox	Y	Willis
Y	Winslow	Y	Muller	Y	Sheperd	NV	Borders

		10-04-04 Council Meeting				
ITEMS ADOPTED	ITEMS ADOPTED	ITEMS ADVERSED				
ON CONSENT	ON CONSENT	ON CONSENT				
1. 04-O-1570	38. 04-R-1772	48. 04-R-1783				
2. 04-O-1586	39. 04-R-1773	49. 04-R-1784				
3. 04-O-1667	40. 04-R-1774	50. 04-R-1785				
4. 04-O-1669	41. 04-R-1775	51. 04-R-1786				
5. 04-O-1670	42. 04-R-1776	52. 04-R-1787				
6. 04-O-1671	43. 04-R-1777	53. 04-R-1788				
7. 04-O-1672	44. 04-R-1778	54. 04-R-1789				
8. 04-O-1658	45. 04-R-1779	55. 04-R-1790				
9. 04-O-1807	46. 04-R-1780	56. 04-R-1791				
10. 04-O-1810	47. 04-R-1781	57. 04-R-1792				
11. 04-O-1813		58. 04-R-1793				
12. 04-O-1817		59. 04-R-1794				
13. 04-O-1850						
14. 04-O-1651						
15. 04-O-1654						
16. 04-O-1808						
17. 04-R-1472						
18. 04-R-1751						
19. 04-R-1798						
20. 04-R-1485						
21. 04-R-1759						
22. 04-R-1760						
23. 04-R-1761						
24. 04-R-1797						
25. 04-R-1824						
26. 04-R-1825						
27. 04-R-1762						
28. 04-R-1754						
29. 04-R-1755						
30. 04-R-1756						
31. 04-R-1757						
32. 04-R-1827						
33. 04-R-1799						
34. 04-R-1768						
35. 04-R-1769						
36. 04-R-1770						
37. 04-R-1771						

Referred To:	Date Referred	Refferred To:	Date Referred	Referred To:	Date Referred	D PERSONAL PAPER REFER		CONSENT REFER		THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.	TEME CON	(\$2,000.00) AS SHIPULATED FENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE TANYARD CSO FACILITY ON	(EPD) IN THE AMOU D DOLLARS A	PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF	A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL	A PAROLUTION BY		04-
	Refer To		COUNCIL		nr1 8 2004	ADOPTED BY	Fav, Adv, Hold (see rev. side) Other	Chair	Date	Committee	Refer To		Water trade	Members	Action Fav, Adv, Hold (see rev. side) Other	Date 7 7 CV	Committee to	First Reading Committee Date Chair Referred To
	Heter to	1				Members	Fav, Adv, Hold (see rev. side) Other	Chair	Date	Committee	Refer To			Members	Action Fav, Adv, Hold (see rev. side) Other	Date Chair	Committee	eading
			WAYOR	I wash Lasent			MAYOR'S ACTION		MUNICIPAL CLERK	Flank Banahin Johnson	C 2004			MILANTA CITY COUNCIL PRESIDENT	OCT 1 8 2004	O CERTIFIED		FINAL COUNCIL ACTION 2nd 1st & 2nd 3rd Readings Consent 1 V Vote 13 RC Vote